



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

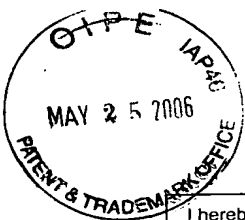
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		30835/183230
	Application Number 09/955,923-Conf. #9393	Filed September 19, 2001
	First Named Inventor Christian Huitema et al.	
	Art Unit 2142	Examiner D. B. Blair
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>46,229</u></p> <p>_____ Signature William J. Kramer Typed or printed name (312) 474-6300 Telephone number May 22, 2006 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>		

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 22, 2006

Signature: WJ Kramer (William J. Kramer)



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 22, 2006

Signature: WJ Kramer

(William J. Kramer)

Docket No.: 30835/183230  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Christian Huitema et al.

Application No.: 09/955,923

Confirmation No.: 9393

Filed: September 19, 2001

Art Unit: 2142

For: PEER-TO-PEER GROUP MANAGEMENT  
AND METHOD FOR MAINTAINING PEER-  
TO-PEER GRAPHS

Examiner: D. B. Blair

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Rejection**

The application describes many details of a peer to peer network system. Claims 1-11 are currently the claims under review and claims 1-11 describe a system for naming a peer to peer group. The peer group has a name and a category identification. The peer to peer group may be public or private. In general, some of the novel points of claims 1-11 are the specific manner described in each claim of how the name for the peer group (as opposed to individual nodes) is calculated, how category names are calculated (including using hash functions and concatenation) and how the name of the group is provided to other peers. Further description is noted by each claim.

**Dutta Reference**

U.S. Patent Application Publication No. 2002/0073204, inventor Dutta et al ("Dutta") describes a system where data about the nodes connected to each other on a peer to peer network are displayed and a user can decide whether to stay connected to the other nodes on the peer to peer network. In paragraph 60, Dutta describes "Information categories" provided by the user that provide the most concise information that is being shared by the characterized node. Fig. 6 may illustrate this information. The categories may also be

derived through scanning or an information category may be manually entered by a user in accordance with a standard dictionary of information categories.

**Rejection Under Sec. 102**

Claims 1-11 were rejected under 35 U.S.C. 102(e) as being anticipated by Dutta. The applicant has carefully read the cited reference, paying special attention to the sections highlighted by the Office action, and the applicant does not find elements of the pending claims in Dutta.

**CLAIM 1:** Claim 1 describes a method of forming a peer-to-peer group that starts with selecting a friendly name (NameG) for a group. The method calculates a category identification (CID) for the group. The CID is provided to a peer so that the peer may use the CID to join the group if they so desire.

First, claim 1 calls for both a CID and a NameG unlike Dutta which only discloses a category. Dutta does not disclose a name for a group.

Second, in Dutta, each node publishes only information categories, and these information categories may be searched but there is no disclosure of the connected nodes having a group name. This can also be seen in Fig. 6 where Info Areas are disclosed, but there is no name for the group. According to the pending claims, a group of Star Trek fans could have the same information category but could have a completely different group name, like Trekkies.

Third, Dutta discloses individual nodes sharing category information specific to that node while the claims call for the CID to be calculated for the group.

It might be argued that the categories published by individual nodes in Dutta could be considered names but then Dutta would not disclose categories (the same element in Dutta cannot be both a name and a category to reject the two separate elements of the pending claims).

**CLAIM 2:** Claim 2 further describes claim 1 to include that the CID is calculated by hashing the NameG using a seed of "GROUP."

Similar to claim 1, the applicant does not find the teaching of calculating a category ID by hashing anywhere in the entire Dutta reference, let alone in paragraph 67 or in the discussion of Gnutella. A search for the term "hash" in Dutta does not return a single match. Hashing is a well known term and concept and there are few synonyms for hashing.

Paragraph 67 of Dutta discusses function IDs which are shorthand for a certain request. The term “hash” and concept are not present in Dutta.

In addition, as claim 2 is dependent on claim 1 and elements of claim 1 are not present, the rejection fails for the same reasons as discussed under claim 1.

**CLAIM 3:** Claim 3 further describes claim 1 to include that the peer to peer group is private and that when the CID is provided to a peer, the CID is sent out of band.

Similar to claim 1, the applicant does not find the teaching of a group being private in Dutta. Dutta describes nodes that can easily discover each other which would describe a public network. The applicant also does not find the teaching of sending the CID to the peer out of band in the Dutta reference. The term and concept of in and out of band are not present in Dutta. The lack of sending the CID out of band in Dutta makes logical sense as Dutta is only concerned with public peer-to-peer groups. There is no purpose in keeping the CID in another channel in Dutta as the groups are public. Again, the claimed “private group” is not present in Dutta.

In addition, as claim 3 is dependent on claim 1 and elements of claim 1 are not present, the rejection fails for the same reasons as discussed under claim 1.

**CLAIM 4:** Claim 4 describes claim 1 to include that the peer to peer group is public and that providing the CID to other peers comprises registering the CID with a Peer Name Resolution Protocol (“PNRP”) for discovery. The applicant submits that claim 4 is dependent on claim 1 and elements of claim 1 are not present, the rejection fails for the same reasons as discussed under claim 1.

**CLAIM 5:** Claim 5 further describes claim 4 and calls for concatenating a peer ID with the CID to get CID:ID and registering CID:ID for discovery. Applicant agrees that paragraphs 68-70 of Dutta appear to disclose a pop-up box being displayed which may be similar to a welcome message. However, claim 5 also calls for “concatenating a peer ID with the CID to derive CID:ID, and registering CID:ID with PNRP for discovery therethrough.” The concept of concatenating addresses is entirely absent from Dutta.

In addition, as claim 5 is dependent on claim 4 and claim 4 is dependent of claim 1 and elements of claim 1 are not present in Dutta, the rejection fails for the same reasons as discussed under claims 1 and 4.

**CLAIM 6:** Claim 6 further describes claim 1 to include receiving a connect message and in response, communicating a welcome message. As claim 6 is dependent on

claim 1 and elements of claim 1 are not present, the rejection fails for the same reasons as discussed under claim 1.

**CLAIM 7:** Claim 7 further describes claim 6 to include calculating a signature of a group object database and sending signature to a peer. The applicant does not find the teaching of calculating a signature of a group object database in the Dutta reference, let alone in paragraph 67. Paragraph 67 discusses Pong messages and function IDs which discover information about individual nodes, but not calculating a signature of a group object database. Again, the term and concept of calculating a signature of a group rather than individual nodes is not present in Dutta.

In addition, as claim 7 is dependent on claim 1 and elements of claim 1 are not present, the rejection fails for the same reasons as discussed under claim 1.

**CLAIM 8:** Claim 8 further describes claim 7 to further describe calculating a signature of a group to include:

Combining a unique ID (UID), a sequence number (SNUM) and an age for each group in the group object database and sorting a list of the combined UID/SNUMs/ages for the group object

The applicant does not find the teaching of combining a unique ID with a sequence number and age in the Dutta reference, let alone in paragraph 67. Paragraph 67 discusses Pong messages and function IDs, not combining a unique ID with a sequence number and age. Further, the concept of SNUM (sequence number for a message) and age are total absent from Dutta. Again, the term and concept of combining a unique ID with a sequence number and age is not present in Dutta.

In addition, as claim 8 is dependent on claim 7 and claim 7 is dependent on claim 1 and elements of claims 1 and 7 are not present, the rejection fails for the same reasons as discussed under claims 1 and 7.

**CLAIM 9:** Claim 9 further describes claim 7 to include receiving a request for a specific group object from the peer and transmitting the specific group objects to the peer. As claim 9 is dependent on claim 7 and claim 7 is dependent on claim 1 and elements of claims 1 and 7 are not present, the rejection fails for the same reasons as discussed under claims 1 and 7.

**CLAIM 10:** Claim 10 calls for receiving a connect message from the peer and returning a refuse message to the peer along with a list of members of the group. The applicant does not find the teaching of returning a refuse message to the peer along with a list

of other members of the group in the Dutta reference, let alone in paragraph 67. Paragraph 67 discusses Pong messages and function IDs, not receiving a connect message from a peer and returning a refuse message to the peer along with a list of other members of the group. Again, the term and concept of receiving a connect message from a peer and returning a refuse message to the peer along with a list of other members of the group is not present in Dutta.

In addition, as claim 10 is dependent on claim 1 and elements of claim 1 are not present, the rejection fails for the same reasons as discussed under claim 1.

**CLAIM 11:** Claim 11 calls for claim 1 to be implemented on a computer readable medium. Claim 23 of Dutta does call for a computer readable medium. However, pending claim 11 calls for the execution of the steps in claim 1 and as elements of claim 1 are missing from Dutta as explained previously, the Office action has failed to create a prima facie case.

#### **CONCLUSION**

If any fees are due, authorization is given to charge deposit account 13-2855. A duplicate copy of this paper is enclosed.

Dated: May 22, 2006

Respectfully submitted,

By WJ Kramer  
William J. Kramer

Registration No.: 46,229  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant